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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Feb 15, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CODY ALLEN EASTERDAY,

Defendant.

No. 4:21-CR-06012-SAB-1

**ORDER GRANTING MOTION TO
REDUCE SENTENCE; GRANTING
MOTION TO STRIKE**

Before the Court are Defendant's Motion to Reduce Sentence, ECF No. 107, and the United States' Motion to Strike, ECF No. 110. The motions were heard without oral argument. Defendant is represented by Carl Oreskovich. The United States is represented by John Scanlon and Ian Garriques.

Defendant moves to reduce his sentence pursuant to Retroactive Amendment 821. He noted his motion for oral argument. The United States does not oppose his motion to reduce his sentence but opposes his request for oral argument.

The Court agrees that Defendant need not be present when the proceeding involves a reduction of a sentence under 18 U.S.C. § 3582(c). *See Dillon v. United States*, 560 U.S. 817, 827-28 (2010).

In this case, the Court finds that Defendant is eligible for a sentencing reduction. Pursuant to 4C1.1(a), his offense level of 32 is reduced two points to 30 because Defendant has zero criminal history points. The resulting USSG range is 97 to 121 months.
**ORDER GRANTING MOTION TO REDUCE SENTENCE; GRANTING MOTION
TO STRIKE ~ 1**

1 The Court intends to reduce Defendant's sentence proportionally based on the original
2 sentence that was imposed. Consequently, after considering the entire record, as well as
3 the § 3553 factors, the Court believes a mid-range sentence is still appropriate.
4 Consequently, the Court will enter an amended judgment sentencing Defendant to 105
5 months imprisonment.

6 Accordingly, **IT IS HEREBY ORDERED**

- 7 1. Defendant's Motion to Reduce Sentence, ECF No. 107, is **GRANTED**.
- 8 2. The United States' Motion to Strike, ECF No. 110, is **GRANTED**.
- 9 3. The March 27, 2024 hearing is **STRICKEN**.

10 **IT IS SO ORDERED.** The District Court Executive is directed to file this Order
11 and provide copies to counsel and U.S. Probation.

12 **DATED** this 15th day of February 2024.



17 Stanley A. Bastian

19 Stanley A. Bastian
20 Chief United States District Judge